IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

CHAMBERS OF COMMERCE OF THE UNITED STATES OF AMERICA, et al.,)))
Plaintiffs,) Civil Action No. 21-cv-00410-LKC
v.) Date: October 28, 2021
PETER FRANCHOT, et al.,)
Defendants.)
)

SCHEDULING ORDER

On October 27, 2021, the parties participated in a telephonic status conference in the above-captioned matter. Based upon the discussion with the parties during the telephonic status conference, the Court has determined that supplemental briefing is necessary regarding the jurisdictional issues raised in the parties' dispositive motions.

In light of the foregoing, and with the assistance of the parties, the Court **ORDERS** that the parties shall file supplemental briefs on the following issues:

- (1) Whether the assessment in the Digital Advertising Gross Revenues Tax Act constitutes a "tax" or a "penalty" under applicable Fourth Circuit precedent; and
- (2) Whether the State of Maryland has established a "plain, speedy and efficient remedy" for Tax Injunction Act purposes.

The State shall **FILE** its supplemental brief, on or before **November 19, 2021**. Plaintiffs shall **FILE** a responsive supplemental brief, on or before **December 13, 2021**.

¹The *amici curiae* tax law professors may file any supplemental brief according to the deadline set for the State.

In addition, the Court **GRANTS** the *amici curiae* tax law professors' motion for leave to file an amicus brief, ECF No. 37, and **DENIES-AS-MOOT** the *amici curiae* tax law professors' motion for leave to allow their *pro hac vice* attorneys to appear without the presence of local counsel, ECF No. 53.

IT IS SO ORDERED.

s/ Lydia Kay Griggsby LYDIA KAY GRIGGSBY United States District Judge